

1904-059 Chancery Causes: Scott Sexton vs. Caroline Sexton  
Lee Co.

Jackson, Gibson, Freeman

CA-Divorce  
T-Vices  
Migration



To the Hon. H.A.W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, Scott Sexton, would respectfully represent and show unto your Honor, that on the 17th day of July, 1896, in Lee County, Virginia, he was married, according to the laws of said State, to one Carline Jackson; that he and his said wife, Carline, lived together as man and wife in said County, from said 17th day of July, 1896, upto the ..... day of October, 1896, about the period of three months, when she willfully deserted and abandoned your orator and went from his home, and from that day to the present has not lived with him as his said wife.

Your orator would show unto your Honor that during the time the said Carline lived with him as his said wife he did all in his power to take care of and provide for her as best he could, and as his means would permit, and as became a good, true and dutiful husband.

Your orator would further show unto your Honor that he had no knowledge of the said Carline's dissatisfaction and unwillingness to live with him as his said wife, until she had willfully deserted and abandoned him, and gone from his home, when he, at first, sought opportunities to confer with her and try to induce her to return to his home and live with him as his said wife, until he had been informed and became convinced that she had become a debased woman and was guilty of acts of adultery with divers dissolute men, and from that time, the time of receiving the information aforesaid and of becoming convinced of the adulterous acts of the said Carline, your orator has not co-habited with her, or further insisted upon her to return and live with him as his said wife.

Your orator would show your Honor that he is, and for a longer period of time than one year previous to the institution of this suit, in fact from the year 1896, down to the present, has been domiciled in Lee County, Virginia; that the said Carline has likewise been domiciled in said County for a period of more than one year before the institution of this suit; and that he and the said Carline have been separated and have not co-habited or lived together as man and wife since the said ..... day of October, 1896.



Your orator would further show your Honor that there was never any issue born of the said marriage between him and the said Carline.

Your orator is informed, believes and charges that the said Carline, since her separation and abandonment of your orator has been guilty of frequent acts of adultery with various wicked and dissolute men, but he is unable to state the exact times or places of any particular acts of adultery, but he believes and charges at different times and places since she ceased to live with your orator, in Lee County, Virginia, and at other places.

Your orator avers that he did everything in his power to induce the said Carline to return to and live with him as his said wife, for he believed her to be a virtuous woman, until he learned, and became convinced, of her acts of adultery after she had abandoned him, and since your orator received this information, and became convinced of her unfaithfulness to him, he has no longer looked upon her as his wife, and has had nothing further to do with her.

Your orator avers that the said acts of adultery on the part of the said Carline were not committed by his procurement or connivance.

The premises considered, the prayer of your orator is, that the said Carline Sexton be made party defendant to this bill; that she be required to answer the several allegations thereof, but not upon oath, answer under oath being waived; that upon the hearing of this cause a decree be rendered granting your orator a divorce ~~of~~ a vinculo matrimonii; and that full and general relief be granted your orator. And he will ever pray &c. May subpoena issue &c.

..... *A. M. Gaines*, p. q.

Virginia, Lee County, to-wit:

I, H.C.T. Ewing, clerk of the Circuit Court of the County and State aforesaid, do certify that Scott Sexton, plaintiff in the foregoing bill of complaint, appeared before me in my office and made oath that the statements therein contained, in so far as made from his own knowledge, are true, and in so far as made on information derived from others, he believes them to be true.

Given under my hand as clerk.

.....  
Clerk.



Scott Seldon

vs. Bill in Chy -

Carlina Seldon

Filed 1<sup>st</sup> Nov. Rules, 1904

H. C. T. Ewing, Clerk

1904. 1<sup>st</sup> Nov. Rules.

Bill filed, Spa  
executed & con-  
tinued.

2<sup>nd</sup> Nov. Rules  
Cause set for  
hearing

1900 to 10

Costs:

Clerk	\$ 3.69 = Pd
Shff	1.00 <del>at</del>
Paid	1.50 pd
Atty	15.00 Pd
Coon.	1.50 Paid
	<u>\$ 22.69</u>



Scott Sexton, - - - - - Plff.

vs.

IN CHANCERY.

Carline Sexton. - - - - - Deft. .

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This cause came on this day to be heard upon the bill of the plaintiff, process duly executed upon the defendant in person, and the depositions of witnesses, and was argued by counsel. On consideration whereof, the court doth adjudge, order and decree, that the marriage heretofore had and solemnized between the plaintiff, Scott Sexton, and the defendant, Carline Sexton, shall be, and the same is, hereby dissolved; and that Scott Sexton be forever divorced from the said Carline Sexton. And the court doth further adjudge, order and decree, that the plaintiff recover of the defendant the costs of this suit. And this cause is stricken from the docket.

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Scott Sexton

vs. } Decree.

Carline Sexton.

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Entered C. B.

No. 7, Page 548.

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Enter this decree, this  
J. A. W. Stum  
Dec. 12, 1904.

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Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a notary public in and for the County of  
Lee

To Carline Sexton : —

TAKE NOTICE THAT I shall on the 14<sup>th</sup> day of November 1904, at  
The Law office of A. M. Goins, in the town of Jonesville, Va., between the  
hours of 8 A. M. and 4 P. M., of that day, proceed to take the depositions of Scott Sexton,  
Elijah Gibson, Geo. Gibson and others, which, when taken, are  
intended to be read as evidence in my behalf, in a certain suit in Chancery now  
pending in the Circuit Court, of Lee County, Virginia, wherein you are Defendant  
and I am plaintiff; and if, from any cause, the taking of said depositions be not com-  
menced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and con-  
tinued from day to day, or from time to time, and from place to place, or at the same place, until the same shall be com-  
pleted.

Respectfully yours,

Scott Sexton,

By A M Goins,

Counsel,



Scott Sexton

vs.

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Notice to Take  
Depositions.

Carline Sexton

A. M. Louis, D. Q.

Executed by delivering a  
true copy of the within notice  
to Carline Sexton. This  
Nov. 9<sup>th</sup> 1904.

J. J. Hughes, D. Q.  
for A. M. Ball, S. L. C.



DEPOSITIONS.

Scott Sexton - - - - - Plaintiff.

vs.

In Chancery.

Carline Sexton - - - - - Defendant.

The depositions of Scott Sexton and others, taken before, me Geo.P.Cridlin, a Commissioner in Chancery, for the Circuit Court of Lee County, Virginia, pursuant to notice hereto annexed, at the law office of A.M.Goins, in the town of Jonesville, Virginia, on the 14th day of November, 1904, to be read as evidence on behalf of Scott Sexton in a certain suit in Chancery, depending in the Circuit Court of Lee County, Virginia, wherein the said Scott Sexton is plaintiff and Carline Sexton is defendant.

Present: A. M. Goins attorney for plaintiff.

Scott Sexton, a witness of lawful age, offered on behalf of himself, being first duly sworn deposes and says:

Q.1.-- State your age, residence and occupation.

A.-- I am 31 years old, I now reside on Wallens Creek in Lee County Virginia, and am a farmer

Q.2.-- Are you the plaintiff in this cause?

A.-- Yes.

Q.3.-- State your connection with Carline Sexton, the defendant; when and where you were married; how long you lived together; what caused her to leave you, if she did; whether you had any children by her. State all about your marriage relations and her abandonment of you, if she did abandon you?

A.-- I was married ~~xxx~~ to her July the 17th, 1896, near Stickleysville in Lee County, Virginia. We lived together for about three months, when she left me. I had no knowledge of any dissatisfaction on her part of our marital relations, and when I learned that she had gone or left me, I followed her and tried to persuade her to return and live with me, but she refused to do so, and told me that she never would live with me. I afterwards went to see her and tried to get her to return and live with me, but she refused to do so. We never had any children. She left me some time during the month of October, 1896. She has never lived with me since her abandonment of me, although at first I tried to persuade her to do so up to the time that I had been informed, and believed that she was guilty of acts of adultery with other men, and from the time of this information I have had no further communications with her.

~~At the time of the institution of this suit~~



Q.4.-- At the time of the institution of this suit and for a year prior thereto, were you domiciled in this County and State?

A.-- I have lived in this State for a period of about 10 years but after my said wife abandoned me I went to the State of Kentucky, and staid about one year after which I returned to this County and have made this my home ever since, about six years.

Q.5.-- State whether or not you have been informed, or know of the character of the said Carline since ~~you~~<sup>she</sup> abandoned you?

A.-- I have been informed by different persons that she has become a woman of loose character; that for about three years she has been living with another man as his wife, and has given birth to two children by him. I have also heard of her sleeping with another man.

Q.6.-- How long has it been since you first had information of the bad character of said Carline?

A.-- It has been four years or more.

Q.7.-- Since that time have you cohabited with, or condoned her acts or had anything to do with her as a husband?

A.-- I have not.

And further this deponent saith not.

James B. Sexton

Tivis Gibson another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, place of residence and occupation.

A.-- About 27 years old, reside in Hancock County, Tenn., and am a farmer.

Q.2.-- Are you acquainted with Scott Sexton and Carline Sexton, and if so how long have you known them?

A.-- I am acquainted with them. I have known Carline Sexton for the last ten years. I have heard of Scott Sexton for eight or nine years but have not known him personally for much more than the past week.

Q.3.-- Did you hear of the marriage of Scott Sexton and Carline about the time they married?

A.-- I did.



Q.4.-- Since that time have you known of the said Carline living apart from her said husband, and with other men, and holding herself out to be the wife of another man?

A.--I do not know this of my own knowledge, but I heard her say she was married to another man. I saw her with another man. He was sitting by the side of her with his arm up on her.

Q.5.-- State if you know the character of the said Carline, as a virtuous woman? where she lived at the time you knew her?

A.-- It was bad in our country about two years ago.

And further this deponent saith not.

*his*  
Tivis X Gibson  
*mark*

The further taking of this deposition is adjourned till  
November 16th, 1904, at the same place.

Met pursuant to ~~adjournment~~<sup>adjournment</sup> at the law office of A.M. Goins,  
Nov. 16th, 1904.

Present: A.M. Goins, attorney for plaintiff.

Charles Freeman another witness of lawful age being first  
duly sworn deposes as follows:

Q.1.-- Please state your age, place of residence and occupation.

A.-- I am 28 years old, live near Stickleysville, Lee County,  
Virginia; and am a farmer.

Q.2.-- Are you acquainted with Scott Sexton and Carline Sexton,  
and if so, how long have you known them?

A.--I am acquainted with both, and have known them for about eleven  
years.

Q.3.-- Did you know of the time of their marriage with each  
other, and their living together as man and wife?

A.-- Yes sir.

Q.4.-- How long did they live together as man and wife, if you  
know?

A.-- I don't think they lived together but a short time, not as  
much as a year.

Q.5.-- Do you know of their separation, and if so state what  
you may know about it?



A.-- I know that they did separate, that she went off and left him. I never knew any cause for her desertion of him.

Q.6.-- State if you know, of any attempt or endeavor on the part of Scott Sexton to induce his said wife to return and live with him, if so state what it was?

A.-- A short time after she abandoned him I saw Scott Sexton talking with her and begging her to return and live with him. She told him that she never expected to live with him any more. This was all in this County near Stickleysville.

Q.7.-- Do you know of the said Carline and the said Scott ever living together since their first separation?

A.-- No sir.

Q.8.-- I will ask you if you have any knowledge or are acquainted general character for chastity since her abandonment of the said Scott Sexton?

A.-- I am acquainted with her general character among her neighbors, and it is very bad as to chastity.

Q.9.-- Since her abandonment of the said Scott, state if you know of her association with a man by the name of Will Tipton, and of their passing themselves as man and wife, and of their association with each other as man and wife.

A.-- I saw her associating with a man by the name of Will Tipton. I saw him with his arms around her, and they were going in the direction of Pennington Gap from Stickleysville. I was informed that they were passing themselves as man and wife and that they slept together for two nights at a house near where I live.

Q.10.-- State if you know where the said Scott Sexton and his wife Carline lived at the time she abandoned him?

A.-- They lived in this County, near Stickleysville.

Q.11.-- State if you know where the said Scott Sexton has been domiciled for the last twelve months prior to the institution of this suit?

A.-- He has made his home in this County ever since he was married to Carline Sexton.

And further this deponent saith not.

*his*  
Charles E. Freeman  
mark



Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Scott Sexton, Trivis Gibson and Charles Freeman were taken, sworn to and Subscribed before me at the times, place and for the purpose in the caption mentioned.

Given under my hand this the 16th day of November, 1904.

Geo. P. Cridlin  
Commissioner in Chancery.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Carline Sutton

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1<sup>st</sup> Monday in Nov, 1904, to answer a bill in chancery exhibited against her in our said court by

Scott Sutton

And have then there this writ. Witness, H. C. M. Ewing, Clerk of our said Court,

at the court-house, the 20<sup>th</sup> day of Oct, 1904, and in the 129<sup>th</sup>

year of the Commonwealth.

H. C. M. Ewing, Clerk.  
By W. E. Hanbury D.C.



Scott Sexton

vs.

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SUBPEONA

IN CHANCERY.

Carline Sexton

A. M. Goins p. q.

To 1st Nov. Rules, 1904,

Circuit Court.

Executed by de-  
livering a true  
copy of the within  
Subpoena to Carline  
Sexton in person.

This Oct 21st 1904  
J. H. Hughes, D.S. for P. M. Ball